

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ROLANDO RODRIGUEZ,
Petitioner,

v.

LOIS RUSSO,
Respondent.

Civil Action No. 05-11521-RCL

**RESPONDENT LOIS RUSSO'S MOTION FOR ENLARGEMENT OF TIME
TO FILE AN ANSWER OR RESPONSIVE PLEADING TO PETITION FOR
WRIT OF HABEAS CORPUS**

Respondent Lois Russo, through counsel, respectfully moves this Court to further enlarge the time in which to file an answer or other responsive pleading to the above-captioned petition for writ of habeas corpus to September 26, 2005. The answer is currently due on August 29, 2005. As grounds therefore, the respondent's attorney states as follows:

1. Rule 5 of the Rules governing Section 2254 Cases in the United States District Courts requires the respondent to answer each allegation of the complaint and state whether the petitioner has exhausted his available state court remedies. The Rule also requires that the respondent indicate what transcripts or parts of state court proceedings are available.
2. Additionally, the Court's Order dated July 25, 2005 "requests the Respondent, as part of the return, to file such documents which reflect on the issue as to whether Petitioner(s) exhausted available state remedies with respect to the matters raised by the Petition."
3. To this end, the respondent's attorney requested the record of the petitioner's state

court proceedings from the Suffolk County District Attorney's office. The district attorney's office has recently supplied the files of the state court proceeding but the respondent's attorney has had to request additional relevant documents not contained within the district attorney's file.

4. Further, due to undersigned counsel's recent workload, including preparation for a hearing on September 13, 2005 in *Waters v. Town of Ayer*, USDC No. 04-10521-GAO, preparing discovery motions for an upcoming evidentiary hearing in *Julie Pike v. Barbara Guarino*, USDC No. 01-11189-WGY and preparing an answer to a habeas corpus petition in *Harvey Ringgold v. Steven O'Brien*, USDC No. 05-40129-FDS, due on September 7, 2005, he will require additional time to analyze the six grounds raised by the petitioner to decide whether they have been exhausted.

Wherefore, respondent Lois Russo respectfully requests that the Court enlarge the time for filing an answer or other responsive pleading in the above-captioned petition to September 26, 2005.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Jonathan Ofilos
Jonathan Ofilos
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Dated: August 29, 2005

LOCAL RULE 7.1

By order of the court, the moving party was not required to confer with other parties before filing this motion.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the petitioner, Rolando Rodriguez, on August 29, 2005, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, to him as follows: Rolando Rodriguez, *pro se*, W65630, Souza-Baranowski Correctional Center, P.O. Box 8000, Shirley, Massachusetts 01464.

/s/ Jonathan Ofilos
Jonathan Ofilos
Assistant Attorney General